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**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**OF THE DEPARTMENT OF COMMERCE**  
**STATE OF UTAH**

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IN THE MATTER OF THE LICENSES OF  
**PAUL RAY TAYLOR, M.D.**  
TO PRACTICE AS A PHYSICIAN  
AND SURGEON AND TO ADMINISTER  
AND PRESCRIBE CONTROLLED  
SUBSTANCES IN THE STATE OF UTAH

**EMERGENCY ORDER**

Case No. DOPL 2007- *236*

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The Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah (the "Division") initiated an Emergency Adjudicative Proceeding pursuant to Utah Code Ann. § 63-46b-20, the Utah Administrative Procedures Act, Utah Code Ann. § 58-1-108(2), the Division of Occupational and Professional Licensing Act, and Utah Administrative Code R151-46b-16, the Department of Commerce Administrative Procedures Act Rules. The Division initiated the Emergency Administrative Proceeding upon evidence that the continued practice of Paul Ray Taylor ("Dr. Taylor") represented an immediate and significant danger to the public health, safety, and welfare, and that the threat required immediate action by the agency.

Before taking this action, the Chair of the Physicians Licensing Board appointed a three-member committee to review with the Division the proposed action in this matter, pursuant to Utah Code Ann § 58-1-108(2)

Pursuant to the Open and Public Meetings Act, Utah Code Ann § 52-4-1, the Division provided notice of the meeting of the committee for 9 00 a m on November 16, 2007, at the Heber M Wells Building located at 160 East 300 South, Salt Lake City, Utah Notice of the meeting was also provided to the Salt Lake Tribune and Deseret News on November 15, 2007 Notice was also placed in the lobby of the Heber Wells Building Said meeting of the committee convened at said appointed date and time, reviewed the Division's proposed action, and made recommendations consistent with the following Findings of Fact, Conclusions of Law, and Emergency Order

The committee met at the appointed time and place The committee went into closed session pursuant to Utah Code Ann § 52-4-5(1)(a)(i) in order to discuss the professional competency of an individual The presiding committee member affirmed under oath that the meeting was closed for that purpose The Committee reviewed the Division's proposed action and considered information in the form of testimony, exhibits, and reports, as well as the information from the Division Investigator Having been fully informed supporting the proposed action, the committee made recommendations fully consistent with the following Findings of Fact, Conclusions of Law, and Order

### **FINDINGS OF FACT**

1 That prior to about June 7, 2007, Dr Taylor, currently licensed to practice as a Physician and Surgeon and to administer and prescribe controlled substances in the State of

Utah, worked for Layton Family Medicine formerly know as Mountain View Family Care, Layton, Utah On or about June 7, 2007, Dr Taylor left employment with Layton Family Medicine and was later reported for having stolen property of Layton Family Medicine Layton Family Medicine prescription pads were reported as stolen to the Layton City Police Department On or about June 26, 2007, Layton Family Medicine faxed a letter to several local pharmacies in Layton, Clearfield and Roy advising that Dr Taylor was no longer affiliated with their office

2 That on or about July 6, 2007, the Division received a complaint from employees at Walgreen's Pharmacy, Layton, Utah, that Dr Taylor, no longer employed at Layton Family Medicine, was writing and issuing controlled substance prescriptions from the parking lot using prescription pads from Layton Family Medicine, Mountain View Family Care and Walgreens

3 That on or about July 23, 2007, the Insurance Fraud Division of the Utah Department of Insurance ("IFD") received a complaint that Dr Taylor was conducting business from his vehicle in parking lots of various pharmacies and was distributing controlled substance prescriptions without proper documentation and without a proper doctor patient relationship Based upon the complaint the IFD and the Federal Bureau of Investigation ("FBI") conducted three undercover operations on or about August 6, 2007, August 9, 2007, and September 6, 2007, to verify the allegations of Dr Taylor's conduct The undercover operations confirmed that Dr Taylor was writing prescriptions for cash in his car at various parking lots using script pads reportedly stolen form Layton Family Medicine Various pain medication prescriptions for controlled substances were issued without appropriate current patient medical history, records, examination, diagnostic, therapeutic and laboratory results, evaluation, diagnosis, informed

1 consent, consultation of treatment objectives and any discussion of risks and benefits of the medications prescribed

4 That on or about August 22, 2007, Dr Taylor came to the Division office and asked to speak with Lynn Hooper, Division Investigator Dr Taylor met with Lynn Hooper and asked if he was being investigated Dr Taylor was told that he was being investigated During the conversation, among other statements, Dr Taylor indicated that he recently separated from Layton Family Medicine, that he was unable to locate or start a new practice, that his patient's love him, that he has met patients in parking lots at various pharmacies and written prescriptions for blood pressure medication and that he has asked the pharmacist's to keep track of the prescriptions he writes so he can come back at a later date and then complete medical records Dr Taylor asked if there was a problem with what he was doing and was told by Lynn Hooper that he believed there were many problems with what he was doing

5 That on or about August 28, 2007, the Division received a complaint from Woods Cross Police Department, that among other information, that Dr Taylor was writing controlled substance prescriptions for K B , without examination, for cash, on script pads from Layton Family Medicine and in various parking lots and locations On or about October 13, 2007, K B participated with the FBI in a monitored prescription drug purchase from Dr Taylor The purchase verified, among other information, that Dr Taylor, for cash, without patient examination or current medical history, from his car, on script pads form Layton Family Medicine, issued multiple controlled substance prescriptions to K B , being treated for opiate drug addiction, with the likely potential for abuse and diversion of the controlled substances

6 That on or about August 1, 2007, an announcement was received by a local pharmacy that Dr Taylor was opening his new practice at the Kaysville Clinic in Layton, Utah, beginning Wednesday, August 1, 2007 The Kaysville Medical Clinic verified on or about August 15, 2007, that as of that date, Dr Taylor did not have a contract with the Kaysville Medical Clinic and that Dr Taylor was told that no announcement would be drafted or placed on any of their letterhead unless a contract was finalized The Kaysville Medical Clinic also verified that the announcement was not on their letterhead and that it did not come from their clinic

7 That on or about August 30, 2007, staff at the Davis Medical Center reported that it appeared that Dr Taylor was seeing patients in the lobby of the Hospital Dr Taylor was advised that if he was seeing patients in the lobby of the Hospital that such conduct was unacceptable and Dr Taylor was asked to leave the lobby

8 That on or about September 7, 2007, staff at the Wee Care Pediatrics Administration reported Dr Taylor in the small lobby of the administrative offices seeing a patient and appeared to be writing a prescription Staff at the Wee Care Pediatrics Administration explained to Dr Taylor that it would not be appropriate to conduct business in their waiting room

9 That on or about October 17, 2007, Riverdale Police Department responded to a narcotics complaint regarding B J using, abusing and selling prescription drugs prescribed by Dr Taylor at various parking lots on prescription pads from Layton Family Medicine B J was in possession of multiple controlled substances that had been recently prescribed by Dr Taylor Prescriptions were issued, frequently, without examination, in large dosages and without payment

10 That Dr Taylor in the course of his medical practice has engaged in inappropriate pain management as evaluated by the criteria adopted in the "Model Policy for the Use of Controlled Substances for the Treatment of Pain," 2004, established by the Federation of State Medical Boards, where said criteria include Evaluation of the Patient, Treatment Plan, Informed Consent and Agreement for Treatment, Periodic Review, Consultation, Medical Records, and Compliance with Controlled Substance Laws and Regulations

11 That Dr Taylor, by failing as a prescribing practitioner to follow the "Model Policy for the Use of Controlled Substances for the Treatment of Pain," has engaged in unprofessional conduct as defined in Utah Admin Code R156-1-502(6)

12 That Dr Taylor in the course of his medical practice, has prescribed prescriptions for legend drugs and controlled substances in violation of the professional standards of practice and engaged in conduct including, but not limited to, initiating medication for patients in high doses, increasing doses by large amounts, issuing prescriptions for doses of medications and in combinations of medications which are contraindicated, and issuing prescriptions without first obtaining information sufficient to establish a diagnosis, identify conditions, and identify contraindications to the proposed treatment Based upon the foregoing, investigations indicate that Dr Taylor has engaged in unprofessional conduct pursuant to Utah Code Ann § 58-1-501(2)(b),(g), and (m)(i)

13 That Dr Taylor in the course of his medical practice, has prescribed controlled substances without taking into account the drug's potential for abuse, the possibility the drug may lead to dependence, the possibility the patient will obtain the drug for a nontherapeutic use

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or to distribute to others, and the possibility of an illicit market for the drug in violation of the Utah Controlled Substances Act Rules, Utah Administrative Code R156-37-603 (2)

14 That Dr Taylor in the course of his medical practice, has failed to incorporate appropriate and adequate safeguards into his practice to minimize the potential for the abuse and diversion of controlled substances in violation of the "Model Policy for the Use of Controlled Substances for the Treatment of Pain" and Utah Admin Code R156-1-502(6)

15 That Dr Taylor in the course of his practice has engaged in actions and communications which are false, misleading, deceptive, and/or fraudulent including, but not limited to, writing prescriptions from reportedly stolen script pads giving the deceptive appearance that he is still affiliated with, has an office with or is employed by Layton Family Medicine, inclusion of false information and false representations in patient medical records, and receiving cash payment for medical services when the provision of said services is not supported by medical records Based upon the foregoing, investigations indicate that Dr Taylor has engaged in unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(h)

16 That Dr Taylor in the course of his practice has failed to keep appropriate, accurate, current, documented medical records in violation of the "Model Policy of the Use of Controlled Substances for the Treatment of Pain", Utah Controlled Substance Act Rules, Utah Admin Code R156-37-602(1), Utah Code Ann § 58-67-803(1), and the Utah Medical Practice Act Rules, Utah Admin Code R156-67-602(1)(2)

17 The Division has determined that Dr Taylor's current behavior and course of practice pose an immediate and significant danger to the public health, safety, and welfare and require immediate action by the Division

18 The committee has addressed the following specific limitations on Dr Taylor's licenses to practice in an effort to limit its recommendations to require only the action necessary to prevent or avoid danger to the public health, safety, and welfare The facts found above are incorporated by reference

- a Dr Taylor has demonstrated a severe departure from the standard of care, competency, and skill that a Physician and Surgeon is required to maintain This behavior constitutes an immediate threat to the public health, safety, and welfare
- b The committee recommended that Dr Taylor's license to administer and prescribe controlled substances be immediately suspended and that Dr Taylor's license to practice as a Physician and Surgeon be immediately suspended The committee recommended that the suspension and restrictions continue pending a formal adjudication of the matters addressed in this proceeding

### **CONCLUSIONS OF LAW**

1 The Division has jurisdiction and authority to act in this matter and has followed appropriate statutory procedures regarding the initiation of emergency adjudicative actions

2 Utah Code Ann § 63-46b-20 provides

- (1) An agency may issue an order on an emergency basis without complying with the requirements of this chapter if
  - (a) the facts known by the agency or presented to the agency show that an immediate and significant danger to the public health, safety, or welfare exists, and
  - (b) the threat requires immediate action by the agency
- (2) In issuing its emergency order, the agency shall
  - (a) limit its order to require only the action necessary to prevent or avoid the danger to the public health, safety, or welfare,
  - (b) issue promptly a written order, effective immediately, that includes a brief statement of findings of fact, conclusions of law, and



reasons for the agency's utilization of emergency adjudicative proceedings, and

(c) give immediate notice to the persons who are required to comply with the order

(3) If the emergency order issued under this section will result in the continued infringement or impairment of any legal right or interest of any party, the agency shall commence a formal adjudicative proceeding in accordance with the other provisions of this chapter

3 Based on the recommendation of the committee and the evidence in support of this action, the Division has shown that the alleged actions of Dr Taylor constitute an immediate and significant danger to the public health, safety, and welfare and require immediate action to protect the public health, safety, and welfare

4 That Dr Taylor in the course of his medical practice has engaged in inappropriate pain management as evaluated by the criteria adopted in the "Model Policy for the Use of Controlled Substances for the Treatment of Pain," 2004, established by the Federation of State Medical Boards, where said criteria include Evaluation of the Patient, Treatment Plan, Informed Consent and Agreement for Treatment, Periodic Review, Consultation, Medical Records, and Compliance with Controlled Substance Laws and Regulations

5 That Dr Taylor, by failing as a prescribing practitioner to follow the "Model Policy for the Use of Controlled Substances for the Treatment of Pain," has engaged in unprofessional conduct as defined in Utah Admin Code R156-1-502(6)

6 That Dr Taylor in the course of his medical practice, has prescribed prescriptions for legend drugs and controlled substances in violation of the professional standards of practice and engaged in conduct including, but not limited to, initiating medication for patients in high doses, increasing doses by large amounts, issuing prescriptions for doses of medications and in

combinations of medications which are contraindicated, and issuing prescriptions without first obtaining information sufficient to establish a diagnosis, identify conditions, and identify contraindications to the proposed treatment. Based upon the foregoing, investigations indicate that Dr. Taylor has engaged in unprofessional conduct pursuant to Utah Code Ann. § 58-1-501(2)(b), (g), and (m)(i).

7 That Dr. Taylor in the course of his medical practice, has prescribed controlled substances without taking into account the drug's potential for abuse, the possibility the drug may lead to dependence, the possibility the patient will obtain the drug for a nontherapeutic use or to distribute to others, and the possibility of an illicit market for the drug in violation of the Utah Controlled Substances Act Rules, Utah Administrative Code R156-37-603 (2).

8 That Dr. Taylor in the course of his medical practice, has failed to incorporate appropriate and adequate safeguards into his practice to minimize the potential for the abuse and diversion of controlled substances in violation of the "Model Policy for the Use of Controlled Substances for the Treatment of Pain" and Utah Admin. Code R156-1-502(6).

9 That Dr. Taylor in the course of his practice has engaged in actions and communications which are false, misleading, deceptive, and/or fraudulent including, but not limited to, writing prescriptions from reportedly stolen script pads giving the deceptive appearance that he is still affiliated with, has an office with or is employed by Layton Family Medicine, inclusion of false information and false representations in patient medical records, and receiving cash payment for medical services when the provision of said services is not supported by medical records. Based upon the foregoing, investigations indicate that Dr. Taylor has engaged in unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(h).

10 That Dr Taylor in the course of his practice has failed to keep appropriate, accurate, current documented medical records in violation of the "Model Policy of the Use of Controlled Substances for the Treatment of Pain", Utah Controlled Substance Act Rules, Utah Admin Code R156-37-602(1), Utah Code Ann § 58-67-803(1), and the Utah Medical Practice Act Rules, Utah Admin Code R156-67-602(1)(2)

11 This Order is necessary to prevent harm to the public pending a formal adjudication of the matters addressed in this proceeding Immediate action is necessary and this Order is the least restrictive action needed to prevent or avoid the danger to the public health, safety, or welfare

12 Dr Taylor may challenge the Order pursuant to Utah Admin, Code R151-46b-16 as follows

R151-46b-16 Emergency Adjudicative Proceedings Unless otherwise provided by statute or rule

- (1) When a division commences an emergency adjudicative proceeding and issues an order in accordance with Section 63-46b-20 which results in a continued impairment of the affected party's rights or legal interests, the division that issued the emergency order shall schedule a hearing upon written request of the affected party to determine whether the emergency order should be affirmed, set aside, or modified based on the standards set forth in Section 63-46b-20 The hearing will be conducted in conformity with Section 63-46b-8
- (2) Upon request for a hearing pursuant to this rule, the Division will conduct a hearing as soon as reasonably practical but not later than 20 days from the receipt of a written request unless the Division and the party requesting the hearing agree to conduct the hearing at a later date The Division shall have the burden of proof to establish, by a preponderance of the evidence, that the requirements of Section 63-46b-20 have been met
- (3) Except as otherwise provided by statute, the division director or his designee shall select an individual or body of individuals to act as the

presiding officer at the hearing. The presiding officer shall not include any individual who directly participated in issuing the emergency order.

- (4) Within a reasonable time after the hearing, the presiding officer shall issue an order in accordance with the requirements of Section 63-46b-10. The order of the presiding officer shall be considered final agency action with respect to the emergency adjudicative proceeding and shall be subject to agency review in accordance with Section R151-46b-12.

### **ORDER**

1       The license of Dr. Taylor to practice as a Physician and Surgeon is immediately suspended until a hearing pursuant to Utah Code Ann. § 63-46b-20 and Utah Admin. Code R151-46b-16 is convened and a contravening order is issued, or a regular formal adjudicative hearing pursuant to Utah Code Ann. § 63-46b-1 et seq. is convened and a contravening order issued.

2       The license of Dr. Taylor to administer and prescribe controlled substances is immediately suspended until a hearing pursuant to Utah Code Ann. § 63-46b-20 and Utah Admin. Code R151-46b-16 is convened and a contravening order is issued, or a regular formal adjudicative hearing pursuant to Utah Code Ann. § 63-46b-1 et seq. is convened and a contravening order issued.

3       Dr. Taylor shall immediately cease and desist from the practice of medicine as a Physician and Surgeon and from administration and prescription of controlled substances until a hearing pursuant to Utah Code Ann. § 63-46b-20 and Utah Admin. Code R151-46b-16 is convened and a contravening order is issued, or a regular formal adjudicative hearing pursuant to Utah Code Ann. § 63-46b-1 et seq. is convened and a contravening order issued.

4       The Division shall commence a formal adjudicative proceeding against Dr. Taylor in accordance with the Division's statutes and rules.

### RIGHT TO REVIEW

1 In accordance with Utah Admin Code R151-46b-16, the Division will schedule a hearing upon receipt of a written request from Dr Taylor. At the hearing it will be determined whether the Emergency Order should be affirmed, set aside, or modified, based on the standards set forth in Utah Code Ann § 63-46b-20. The hearing will be conducted in conformity with Utah Code Ann § 63-46b-8.

2 Upon receipt of a request for hearing pursuant to Utah Admin Code R151-46b-16, the Division will conduct a hearing as soon as reasonably practical, but not later than twenty (20) days from receipt of a written request, unless the Division and the party requesting the hearing agree to conduct the hearing at a later date.

DATED this 16 day of November, 2007



NOEL TAXIN  
Presiding Officer  
Bureau Manager, Division of Occupational and  
Professional Licensing